

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

BARBARA J. LUEDERS,

Plaintiff,

v.

3M COMPANY,

Defendant.

No. 08-CV-2457

Judge Wayne R. Andersen

**DEFENDANT'S MOTION TO STAY OR IN THE ALTERNATIVE
TO EXTEND TIME TO ANSWER OR OTHERWISE PLEAD**

Defendant 3M Company ("3M" or "Defendant") hereby moves for a general stay in this action pending the Court's ruling on its Motion to Transfer Venue, or in the alternative, for an extension of time to answer or otherwise plead for ten (10) days following the Court's ruling on 3M's Motion to Transfer Venue. In support of its motion, 3M states as follows:

1. On April 29, 2008, Defendant removed this action to this Court pursuant to the Class Action Fairness Act, 28 U.S.C. § 1332(d), ("CAFA") and federal question jurisdiction, 28 U.S.C. §§ 1331 and 1441.
2. On May 2, 2008, Defendant filed a Motion to Transfer Venue to the Central District of Illinois pursuant to 28 U.S.C. 1404(a).
3. In the interests of justice, 3M seeks to stay all matters in this case, including the filing of its Answer or other responsive pleading to Plaintiff's Complaint, pending resolution of 3M's Motion to Transfer Venue by this Court.
4. A general stay pending resolution of 3M's Motion to Transfer would serve the interests of justice by ensuring that the substantive issues in this case are decided by the Court

that will ultimately handle this case – and, as 3M argues in its Motion to Transfer Venue – that should be the Central District of Illinois. In other words, the procedural question regarding where the case will sit should be decided prior to other procedural, substantive, and scheduling issues are addressed.

5. If, however, the Court is unwilling to entertain a general stay, 3M requests in the alternative, that its time to answer or otherwise plead be extended until ten (10) days after the Court issues its ruling on 3M's Motion to Transfer Venue.

WHEREFORE, for the above-stated reasons, 3M respectfully requests that this Court grant 3M's Motion to Stay, and stay this matter until the Court is able to rule on 3M's Motion to Transfer Venue. In the alternative, 3M requests that its time to answer or otherwise plead be extended until ten (10) days after the Court issues its ruling on 3M's Motion to Transfer Venue.

Respectfully submitted,

3M COMPANY

By: /s/ Stephanie Seay Kelly

One of Its Attorneys

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Dated: May 2, 2008

CERTIFICATE OF SERVICE

The undersigned, an attorney, hereby certifies that she served a copy of the foregoing *Defendant's Motion to Stay or In The Alternative to Extend the Time to Answer or Otherwise Plead* to the following via U.S. Mail, postage prepaid, before the hour of 5:00 pm, on May 2, 2008:

Robin B. Potter
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By: s/Stephanie Seay Kelly
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